

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

United States of America,)	
)	
)	
vs.)	Case No. 09-0359-01-CR-W-FJG
)	
Richard Allan Herring,)	
)	
)	

ORDER

Pending before the Court is defendant's second motion for determination of competency filed September 28, 2011 (Doc. # 55). A hearing was held on January 30, 2012, by Magistrate Judge John T. Maughmer regarding defendant's mental competency, at which time the parties stipulated to the forensic evaluation of Dr. David E. Morrow (Doc. #67).

Judge Maughmer issued a report and recommendation (Doc. #66) on January 31, 2012, finding defendant competent to understand the nature and consequence of the proceedings against him and to assist properly in his defense. No objections to the report and recommendation were filed.

The Court, after independent review of the record and applicable law, finds that defendant is competent to understand the nature and consequences of the proceedings against him and to properly assist in his own defense, and that he is competent to stand trial.

IT IS SO ORDERED.

/s/Fernando J. Gaitan, Jr.
Judge Fernando J. Gaitan, Jr.
United States District Judge

Dated: February 7, 2012
Kansas City, Missouri